

SNELL & WILMER
LLP
350 SOUTH GRAND AVENUE
SUITE 2600
TWO CALIFORNIA PLAZA
LOS ANGELES, CALIFORNIA 90071

1 SNELL & WILMER L.L.P.
Philip J. Graves (SBN 153441)
2 pgraves@swlaw.com
Greer N. Shaw (SBN 197960)
3 gshaw@swlaw.com
Deborah S. Mallgrave (SBN 198603)
4 dmallgrave@swlaw.com
350 South Grand Avenue, Suite 2600
5 Two California Plaza
Los Angeles, CA 90071
6 Telephone: (213) 929-2500
Facsimile: (213) 929-2525
7

8 Attorneys for Plaintiff
James R. Glidewell Dental Ceramics, Inc.
d/b/a Glidewell Laboratories
9

10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA
12 SOUTHERN DIVISION

13 JAMES R. GLIDEWELL DENTAL
CERAMICS, INC. dba GLIDEWELL
14 LABORATORIES, a California
corporation,
15

16 Plaintiff,

17 vs.

18 KEATING DENTAL ARTS, INC.,
19 Defendant.

20 AND RELATED
21 COUNTERCLAIMS.
22
23
24
25
26
27
28

Case No. SACV11-01309-DOC(ANx)

**[PROPOSED] ORDER GRANTING
JAMES R. GLIDEWELL DENTAL
CERAMICS, INC.'S NOTICE OF
MOTION AND MOTION IN LIMINE
#4 TO EXCLUDE THE PROPOSED
EXPERT TESTIMONY OF
KEATING DENTAL ARTS, INC.'S
EXPERT LORI BOATRIGHT**

Hearing

Date: January 28, 2013
Time: 8:30 a.m.
Ctrm: 9D, Hon. David O. Carter

Pre-Trial Conf.: January 28, 2013
Jury Trial: February 26, 2013

ORDER

Plaintiff James R. Glidewell Dental Ceramics, Inc.'s ("Glidewell") Motion *in Limine* No. 4 to preclude the proposed testimony of Keating Dental Arts, Inc.'s ("Keating") expert Lori Boatright, came before this Court for hearing during the Pretrial Conference on January 28, 2013. All parties were represented by counsel.

Having considered the evidence and arguments set forth by the parties in the papers submitted and at the hearing, and for good cause shown,

IT IS HEREBY ORDERED that: Glidewell's Motion *In Limine* No. 4 is **GRANTED**. Keating shall not introduce testimony from its expert, Lori Boatright, (i) that the Trademark Examiner did not properly examine the BruxZir mark and would have denied registration had different procedures been followed, (ii) that the terms "Bruxzir" or "bruxer" were or are generic terms for zirconia restoration products, and (iii) that constitutes or includes opinions as to subjects, including but not limited to opinions regarding the presence or absence of likelihood of confusion between BruxZir and KDZ Bruxer, beyond that which were included in her expert report.

Dated: _____

Hon. David O. Carter
United States District Judge

SNELL & WILMER
L.L.P.

350 SOUTH GRAND AVENUE
SUITE 2600
TWO CALIFORNIA PLAZA
LOS ANGELES, CALIFORNIA 90071

Glidewell Laboratories v. Keating Dental Arts, Inc.
United States District Court, Central, Case No. SACV11-01309-DOC (ANx)

CERTIFICATE OF SERVICE

I hereby certify that on January 17, 2013, I electronically filed the document described as **[PROPOSED] ORDER GRANTING JAMES R. GLIDEWELL DENTAL CERAMICS, INC.'S NOTICE OF MOTION AND MOTION IN LIMINE #4 TO EXCLUDE THE PROPOSED EXPERT TESTIMONY OF KEATING DENTAL ARTS, INC.'S EXPERT LORI BOATRIGHT** the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

David G. Jankowski
 Jeffrey L. Van Hoosear
 Lynda J Zadra-Symes
 Darrell L. Olson
 Knobbe Martens Olson and Bear LLP
 2040 Main Street, 14th Floor
 Irvine, CA 92614

Attorneys for Defendant Keating Dental Arts, Inc.
 Tel: (949) 760-0404
 Fax: (949) 760-9502

Jeffrey.VanHoosear@kmob.com
 David.Jankowski@kmob.com
 Lynda.Zadra-symes@kmob.com
 Darrell.Olson@knobbe.com
 litigation@kmob.com

David A. Robinson
 James Azadian
 Enterprise Counsel Group
 Three Park Plaza, Suite 1400
 Irvine, CA 92614

Attorneys for Defendant Keating Dental Arts, Inc.
 Tel: (949)833-8550
 Fax: (949) 833-8540

drobinson@enterprisecounsel.com
 jazadian@enterprisecounsel.com

Dated: January 17, 2013

SNELL & WILMER L.L.P.

By: s/Greer N. Shaw

Philip J. Graves
 Greer N. Shaw
 Deborah S. Mallgrave
 Attorneys for Plaintiff
 James R. Glidewell Dental Ceramics, Inc.
 d/b/a Glidewell Laboratories

16428502.1

SNELL & WILMER
 L.L.P.
 350 SOUTH GRAND AVENUE
 SUITE 2600
 TWO CALIFORNIA PLAZA
 LOS ANGELES, CALIFORNIA 90071